

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

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HOUSE BILL 543

Short Title: MHDDSA Providers As Uncompensated Guardians. (Public)

Sponsors: Representatives Jones, Avila, Glazier, and Turner (Primary Sponsors).

*For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*

Referred to: Judiciary Subcommittee A.

April 4, 2013

A BILL TO BE ENTITLED

AN ACT ALLOWING PROVIDERS OF MENTAL HEALTH, DEVELOPMENTAL  
DISABILITIES, OR SUBSTANCE ABUSE SERVICES TO SERVE AS  
UNCOMPENSATED, COURT-APPOINTED GUARDIANS TO UNRELATED  
CLIENTS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 35A-1213(f) reads as rewritten:

"(f) An individual who contracts with or is employed by an entity that contracts with a local management entity (LME) for the delivery of mental health, developmental disabilities, and substance abuse services may not serve as a guardian for a ward for whom the individual or entity is providing these services, unless the individual (i) is a parent of that ward. ~~The prohibition provided in this subsection shall not apply to that ward,~~ (ii) is a member of the ward's immediate family who is under contract with a local management entity (LME) for the delivery of mental health, developmental disabilities, and substance abuse services and is serving as a guardian as of January 1, 2013-2013, or (iii) is not biologically related to the ward, and is appointed by the court and serving as a guardian without compensation for guardianship services. For the purposes of this subsection, the term "immediate family" is defined as a spouse, child, sibling, parent, grandparent, or grandchild. The term also includes stepparents, stepchildren, stepsiblings, and adoptive relationships."

**SECTION 2.** This act is effective when it becomes law.

